

**UNITED STATES DISTRICT COURT FOR  
EASTERN DISTRICT OF OKLAHOMA**

---

(1) DUSTIN LANCE,

Plaintiff,

v.

Case No.: CIV-17-378-RAW

(2) BOARD OF COUNTY  
COMMISSIONERS OF  
PITTSBURG COUNTY, OKLA.,  
*et al.*

Defendants.

---

**JOINT STATUS REPORT**

---

Pursuant to Court order (Doc. 237), the parties submit the following Joint Status Report.

**I. CURRENT STATUS OF THE CASE**

**A. PRIOR ATTEMPTS AT RESOLUTION**

Multiple prior attempts at resolution have been unsuccessful, and the parties do not believe a future settlement conference will produce different results.

**B. PRETRIAL FILINGS**

The parties have submitted the following pretrial filings:

- Motions in limine (Docs. 148, 152, and 153);
- Agreed proposed jury instructions (Doc. 191);
- Trial briefs (Docs. 185, 190).

## **II. OUTSTANDING TASKS PRIOR TO APPEAL**

The outstanding items on the scheduling order (Doc. 85) remaining at the time of the appeal include the following:

- Exchange of pre-marked exhibits;
- Exchange of demonstrative exhibits/aids;
- Deposition designations, counter-designations, and objections thereto;
- Pretrial conference.

## **III. REMAINING ISSUES FOLLOWING REMAND/ PRETRIAL SUBMISSIONS**

The Tenth Circuit's opinion in this matter announced a change in the law that merits revision to the proposed jury instructions. Similarly, due to the appellate opinion and the different parties and posture, the parties wish to be able to re-submit updated motions in limine, trial briefs and to submit a proposed pretrial order and proposed jury instructions as well.

## **IV. TRIAL**

Consistent with GO-22-03 and 28 U.S.C. § 141(b)(1), Plaintiff respectfully submits this case is a candidate for trial by special session.

Defendants' position: The Defendants have no objection to this matter being heard in the Western District, or in the Eastern District with a Western District Judge. However, the Defendants maintain their right to have a jury pulled from the Eastern District of Oklahoma.

## **V. Current Status Conference Setting**

Defendant Smead's lead trial counsel has a conflict for the current setting of May 26, 2022, but if the conference goes forward, he will ensure an attorney from his office appears for Defendant Smead.

Respectfully submitted,

BRYAN & TERRILL

s/Steven J. Terrill

Steven J. Terrill, OBA #20869  
J. Spencer Bryan, OBA #19419  
BRYAN & TERRILL LAW  
3015 E. Skelly Dr., Suite 400  
Tulsa, OK 74105  
T/F: (918) 935-2777  
[jsbryan@bryanterrill.com](mailto:jsbryan@bryanterrill.com)  
*Attorneys for Plaintiff*

s/ Michael L. Carr

Michael L. Carr, OBA No. 17805  
COLLINS, ZORN & WAGNER, PLLC  
429 N.E. 50th Street, Second Floor  
Oklahoma City, OK 73105  
Telephone: (405) 524-2070  
Facsimile: (405) 524-2078  
Email: [mlc@czwlaw.com](mailto:mlc@czwlaw.com)

*Attorney for Defendant Board of County  
Commissioners of Pittsburg County,  
Sheriff Chris Morris, Dakota Morgan,  
and Daniel Harper*

s/ Carson C. Smith

---

Robert S. Lafferrandre, OBA No. 11897

Carson C. Smith, OBA No. 22303

PIERCE COUCH HENDRICKSON

BAYSINGER & GREEN, L.L.P.

1109 N. Francis

Oklahoma City, Oklahoma 73106

Telephone: (405) 235-1611

Facsimile: (405) 235-2904

[rlafferrandre@piercecouch.com](mailto:rlafferrandre@piercecouch.com)

[csmith@piercecouch.com](mailto:csmith@piercecouch.com)

*Attorneys for Defendant*

*Mike Smead*